

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

PREAMBLE

1. Sections Affected
R7-2-302.04
- Rulemaking Action
Amend
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statute: A.R.S. §15-203(A)
Implementing statute: A.R.S. §15-711 (repeal of)
3. Effective Date of the Rule:
December 17, 1998.
4. A list of all previous notices appearing in the Register addressing the final rule:
Notice of Rulemaking Docket Opening: 2 A.A.R. 4105, September 27, 1996.
Notice of Proposed Rulemaking: 2 A.A.R. 4340, October 25, 1996.
5. The name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Corinne L. Velasquez, Administrator
Address: 1535 West Jefferson, Room 418
Phoenix, Arizona 85007
Telephone: (602) 542-5057
Fax: (602) 542-3046
6. An explanation of the rule, including the agency's reasons for initiating the rule:
This amendment was initiated as a result of legislation which repealed A.R.S. § 15-711. A.R.S. § 15-711 required that one-half credit of "Essentials and Benefits of the Free Enterprise System" be included as a requirement for graduation from high school.
In addition, the State Board has proposed to repeal R7-2-302, and has added paragraph 2(c) to R7-2-302.04, which relates to students having the opportunity to demonstrate competency in a subject area in lieu of classroom time. When this paragraph was originally written, it was included in R7-2-302 as it was intended that R7-2-302 specify the new graduation requirements for the freshman class of 1996. However, changes in the Arizona Student Achievement Program have been such that R7-2-302 has been repealed and R7-2-302.04 will remain in place as the high school graduation requirements until a new R7-2-302 can be proposed. Paragraph 2(c), therefore, is being moved from R7-2-302 to R7-2-302.04.
7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable.
8. The summary of the economic, small business and consumer impact:
The State Board of Education does not believe that there will be any economic or small business impact related to this amendment. The impact on the consumer, that is, the school districts, will be positive from the perspective that there is now one less specific course requirement required for graduation from high school.
9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):
Page 5, Paragraph 1(b): Change "a" to "an" and delete "regionally" and for deletion of unnecessary language and clarification of intent. Delete "(G)" after "R7-2-601" as unnecessary language and for consistency with paragraph numbering of R7-2-601.
Page 6, Paragraph 1(c)(i)(1): Delete "regionally" before "accredited" in two places; change "a" to "an"; leave in the "as" previously indicated as deleted language before "listed" and delete the "as" previously indicated as new language; and delete the language beginning with "(G)" and ending with "(C)", for clarification of intent and consistency.

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Page 7, Paragraph 1(c)(i)(2)(c): Change "a" to "an"; delete "regionally"; and delete "(G)" for consistency and clarification of intent.

Page 7, Paragraph 1(c)(ii)(2): Change "R7-2-603" to "R7-2-601 et seq." for clarification of intent and consistency.

Page 9, Paragraph 2(c), (filed as Final Rulemaking): Between "student," and "provide", add "the local governing board shall", for clarification of intent.

Page 9, Paragraph 3: Change the paragraph to read "No Change" to conform to rulemaking regulations regarding no changes in current language.

Page 22, Paragraph 2(c), (filed as Proposed Rulemaking): Change "subsection (A)" to "subsection (a)(i) through (a)(iv); for clarification of intent and correction of a paragraph reference error.

10. A summary of the principal comments and the agency response to them:

There were no comments received, oral or written, related to the proposed amendment.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

12. Incorporations by reference and their location in the rules:

None.

13. Was this rule previously adopted as an emergency rule?

No.

14. The full text of the rule follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

**ARTICLE 3. CURRICULUM REQUIREMENTS AND
SPECIAL PROGRAMS**

Section

**R7-2-302.04. Minimum Course of Study and Competency
Requirements for Graduation from High School**

**ARTICLE 3. CURRICULUM REQUIREMENTS AND
SPECIAL PROGRAMS**

**R7-2-302.04. Minimum Course of Study and Competency
Requirements for Graduation from High School**

The Board prescribes the minimum course of study and competency requirements as outlined in paragraphs (1) and (2) for the graduation of pupils from high school. The Board establishes 20 credits as the minimum number of credits necessary for high school graduation effective for the graduation class of 1996. Students shall obtain credits for required subject areas as specified in subsections (1)(a)(i) through (1)(a)(viii vi) based on completion of subject area course requirements or competency requirements. At the discretion of the local governing board, credits may be awarded for completion of elective subjects specified in subsections (1)(a)(viii vii) based on completion of subject area course requirements or competency requirements.

1. Subject area course requirements.

a. The awarding of a credit toward the completion of high school graduation requirements shall be based on successful completion of the subject area requirements prescribed by the State Board and local governing board as follows:

i. Four credits of English or English as a Second Language, which shall include but not be limited to the following: grammar, writing, and reading skills, advanced grammar, composition, American literature, advanced composition, research methods and skills and literature. One-half credit of the English requirement shall include the principles of

speech and debate but not be limited to those principles.

ii. One and one-half credits in instruction in the essentials, sources and history of the constitutions of the United States and Arizona and instruction in American institutions and ideals and in the history of Arizona.

iii. One credit of world history/geography.

iv. ~~One-half credit of "Essentials and Benefits of the Free Enterprise System." This 1/2 credit may be offered in a department which the local district deems appropriate.~~

~~v. Two credits of mathematics.~~

~~vi. Two credits of science.~~

~~vii. One credit of fine arts or vocational education.~~

~~viii. vii. Eight and one-half credits of additional courses prescribed by the local governing board subject to the approval of the State Board pursuant to A.R.S. § 15-341(A)(7).~~

b. Credits earned through correspondence courses to meet graduation requirements shall be taken from ~~an regionally accredited institution accredited by an association listed as defined in R7-2-601(G).~~ Credits earned thereby shall be limited to four, and only one credit may be earned in each of the following subject areas:

i. English as described in subparagraph (1)(a)(i) of this rule.

ii. Social Studies, and ~~"Essentials and Benefits of the Free Enterprise System" as described in subparagraphs (1)(a)(ii), (iii), and (iv) of this rule.~~

iii. Mathematics.

iv. Science.

c. Delivery of distance education. In addition to traditional methods of course delivery, courses may

also be offered through distance education. Distance education does not include correspondence courses. Distance education is defined as instructional-learning arrangements in which the distance education instructor and the student are separated geographically. Instruction is delivered by means of telecommunications technologies such as satellite, microwave, telephone, cable, fiber optics. The instruction supplements or comprises the entire course content and provides for two-way interactive communications between the instructor and the student during the time of the instruction. Communication or interaction occurs through the use of technologies such as voice, video or computer-mediated communications.

- i. Distance education providers shall register with the Department of Education and satisfy the following requirements:
 1. Be ~~regionally~~ accredited or affiliated with an ~~regionally~~ accredited institution as ~~listed~~ as defined in R7-2-601(G) or by a ~~regional accrediting association as listed in R7-2-601(C).~~
 2. Validate that the instructor of the distance education program:
 - a. Possesses a current Arizona teaching certificate valid for the level and subject of the instruction to be taught; or
 - b. Possesses a current teaching certificate from the recognized certifying authority of the sending location valid for the level and subject of the instruction to be taught; or
 - c. Is employed by or affiliated with, in the content area of instruction, an ~~regionally~~ accredited institution as ~~listed~~ defined in R7-2-601(G).
 - ii. Distance education may be used as a part of the instructional program. School districts shall ensure that:
 1. Only those distance education providers registered with the Department of Education are used to provide distance education; and
 2. The teaching partners who assist the students in receiving the instruction on-site have instructional and technical facilitator training and are supervised by an individual certified pursuant to R7-2-603601 et seq.
 - d. Local governing boards may grant to vocational-technological education program completers a maximum of 3 1/2 credits to be used toward the Board English, mathematics; or science or Free

Enterprise credit requirements for graduation, subject to the following restrictions.

- i. The Board has approved the vocational-technological education program for equivalent credit to be used toward the Board English, mathematics; or science or Free Enterprise credit requirements for graduation.
 - ii. Only one credit in each of English, mathematics or science may be granted.
 - iii. Only 1/2 credit may be granted in Free Enterprise.
 - iv. For vocational-technological programs in which only one credit is offered, either vocational or English, mathematics; or science or Free Enterprise credit may be granted.
 - * iv. For vocational-technological programs in which two or more credits are offered, only one credit may be used for English, mathematics or science or 1/2 credit may be used for Free Enterprise.
2. Competency requirements.
 - a. The awarding of a credit toward the completion of high school graduation requirements shall be based on the successful completion of State Board-adopted essential skills requirements for subject areas listed in subparagraphs (1)(a)(i) through (1)(a)(vii vi) and the successful completion of the competency requirements for the elective subjects specified in subparagraph (1)(a)(viii vii). Competency requirements for elective subjects as specified in subparagraph (1)(a)(viii vii) shall be the essential skills adopted by the State Board. If there are no adopted essential skills for an elective subject, the local governing board shall be responsible for developing and adopting competency requirements for the successful completion of the elective subject.
 - b. The determination and verification of student accomplishment and performance shall be the responsibility of the subject area teacher.
 - c. Upon request of the student, the local governing board shall provide the opportunity for the student to demonstrate competency in the subject areas listed in subsection (1)(a)(i) through (1)(a)(vi) above in lieu of classroom time.
 3. No Change

NOTICE OF FINAL RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 1. RADIATION REGULATORY AGENCY

PREAMBLE

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <u>Section Affected</u>
R12-1-1223
Table A 2. <u>The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):</u>
General: A.R.S. §§ 30-654(B), A.R.S. Title 41, Chapter 6, Article 7.1 | <u>Rulemaking Action</u>
New Section
New Table |
|--|--|

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Specific: A.R.S. § 30-672

3. **The effective date of the rules:**
December 9, 1998.
4. **A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 3 A.A.R. 1990, July 25, 1997.
Notice of Proposed Rulemaking: 4 A.A.R. 2442, September 11, 1998.
5. **The name and address of agency personnel with whom persons may communicate regarding the rules:**
Name: Dan Kuhl
Address: Arizona Radiation Regulatory Agency
4814 South 40th Street
Phoenix, Arizona 85040
Telephone: (602) 255-4845, Ext. 233
Fax: (602) 437-0705
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**
R12-1-1223 The legislature is requiring the Agency add time-frames during which the Agency will process license and registration applications, and requests for amendments to existing licenses and registrations. According to the new law this requirement is to be in place by December 31, 1998.

Table A Contained in this table are the time-frames that must be met by the Agency in processing radiation source license and registration applications and amendments as described in R12-1-1223. The list is based on the categories that are described in R12-1-1302 and R12-1-1306. The long time-frames for Categories D11, D12, D13, and D19 are justified because of the safety implications associated with the review process.
7. **A reference to any study that the Agency proposes to rely on, its evaluation of or justification for the final rule and where the public may obtain or review the study, all data underlying the study, any analysis of the study or supporting material:**
None
8. **A showing of good cause why the rule is necessary to promote a state wide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
9. **The summary of the economic, small business, and consumer impact:**
R12-1-1223. With the exception of the Agency, the economic impact to all affected parties should be none to minimal. Failure to comply with the time-frames will result in the Agency having to meet the financial consequences described in A.R.S. § 41-1077. The long time-frames for the review of applications for Category D11, D12, D13, and D19 licenses have been selected based on current experience by other regulatory agencies in licensing these types of programs. Anyone in the industry familiar with the activities associated with these categories would agree that the times listed are reasonable.
10. **A description of the changes between the proposed rules, including supplemental notices, and final rules:**
The values in columns 1 and 2 of Table A at the end of Article 12 have been changed to allow more time for the administrative completeness review. Time was taken away from the substantive review time only, leaving the overall time-frame for each application review the same as previously listed in the proposed rules.
11. **A summary of the principal comments and the agency response to them:**
No comments were received as a result of this rulemaking.
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
Not applicable
13. **Incorporations by reference and their location in the rules:**
None
14. **Were the rules previously adopted as emergency rules?**
No
15. **The full text of the rules follow:**

TITLE 12. NATURAL RESOURCES

CHAPTER 1. RADIATION REGULATORY AGENCY

ARTICLE 12. ADMINISTRATIVE PROVISIONS

Section

January 8, 1999

R12-1-1223. Registration and Licensing Time-frames
Table A. Registration and Licensing Time-frames

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ARTICLE 12. ADMINISTRATIVE PROVISIONS

R12-1-1223. Registration and Licensing Time-Frames

The Agency shall perform an administrative completeness review and substantive review of an application for a new or renewal license or registration; or an amendment to a license or registration

within the time-frames provided in Table A. The Agency shall review an application for an amendment to an existing license or registration which changes the license category listed in R12-1-1306, using the time-frames specified for the requested category.

Table A. Registration and Licensing Time-frames

Table A

REGISTRATION AND LICENSING TIME-FRAMES

<u>License or Registration</u>	<u>Administrative Completeness</u>	<u>Substantive Review Time-frame,</u>	<u>Overall Time-frame,</u>
<u>category in R12-1-1306</u>	<u>Review Time-frame, in days</u>	<u>in days</u>	<u>In days</u>

<u>A1</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>A2</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>A3</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>A4</u>	<u>60</u>	<u>30</u>	<u>90</u>
<u>B1</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>B2</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>B3</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>B4</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>B5</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>B6</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>C1</u>	<u>60</u>	<u>30</u>	<u>90</u>
<u>C2</u>	<u>60</u>	<u>30</u>	<u>90</u>
<u>C3</u>	<u>60</u>	<u>30</u>	<u>90</u>
<u>C4</u>	<u>60</u>	<u>30</u>	<u>90</u>
<u>C5</u>	<u>60</u>	<u>30</u>	<u>90</u>
<u>C6</u>	<u>60</u>	<u>30</u>	<u>90</u>
<u>C7</u>	<u>60</u>	<u>30</u>	<u>90</u>
<u>C8</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>C9</u>	<u>60</u>	<u>30</u>	<u>90</u>
<u>C10</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>C11</u>	<u>90</u>	<u>30</u>	<u>120</u>

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<u>C12</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>C13</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>C14</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>C15</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>C16</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>C17</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>D1</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>D2</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>D3</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>D4</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>D5</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>D6</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>D7</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>D8</u>	<u>60</u>	<u>30</u>	<u>90</u>
<u>D9</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>D10</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>D11</u>	<u>1095</u>	<u>365</u>	<u>1460</u>
<u>D12</u>	<u>730</u>	<u>180</u>	<u>910</u>
<u>D13</u>	<u>365</u>	<u>90</u>	<u>455</u>
<u>D14</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>D15</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>D16</u>	<u>20</u>	<u>10</u>	<u>30</u>
<u>D17</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>D18</u>	<u>90</u>	<u>30</u>	<u>120</u>
<u>D19</u>	<u>365</u>	<u>120</u>	<u>485</u>
<u>E1</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E2</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E3</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E4</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E5</u>	<u>90</u>	<u>30</u>	<u>120</u>

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<u>E6</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E7</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E8</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E9</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E10</u>	<u>20</u>	<u>10</u>	<u>30</u>
<u>E11</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E12</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E13</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E14</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E15</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E16</u>	<u>40</u>	<u>20</u>	<u>60</u>
<u>E17</u>	<u>90</u>	<u>30</u>	<u>120</u>

Footnote: "administrative completeness review time-frame", "substantive review time frame", and "overall time-frame" are defined in A.R.S. 41-1072.